IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15185 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PANDYA BIRENDRAKUMAR MULSHANKER

Versus

MEDICAL COUNCIL OF INDIA

Appearance:

1. Special Civil Application No. 15185 of 2004

MR CR ABICHANDANI for Petitioner No. 1

MR MITUL K SHELAT for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2-4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 22/12/2004

ORAL JUDGEMENT

1. RULE. Mr.Mitul Shelat learned advocate waives service of Rule on behalf of respondents no.1 & 2. With the consent of learned counsel for the parties, the matter is taken up for final disposal today.

2. The petitioner herein has preferred this petition

in order to direct the respondent authorities to permit the petitioner to appear in the fifth attempt of the final examination of First Year M.B.B.S. Course conducted by the respondent University.

3. Mr.Shelat learned advocate appearing for respondents no.1 & 2 has submitted that in view of the amendment in the Regulations of the Medical Council of India and in view of the order passed by this Court in Special Civil Application No.6830 of 1999 dated 24/11/2004, the petitioner may be permitted to appear in the fifth attempt of the final examination of First Year M.B.B.S. Course conducted by the respondent University. He has further submitted that the permission granted to the petitioner as aforesaid may not be treated as a precedent in other cases and that the said permission shall remain in force till the University frames its new Regulations.

4. In view of the statement made by Mr.Shelat for respondents no.1 & 2, the petition is allowed. The respondent authorities are directed to permit the petitioner to appear in the fifth attempt of the final examination of First Year M.B.B.S. Course to be conducted by the University as per its schedule. However, it is made clear that the Court has allowed this petition looking to the peculiar facts and circumstances of the case and it may not be treated as a precedent in other cases. Rule is made absolute accordingly with no order as to costs. Direct service permitted.

(K. S. Jhaveri, J.)

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